

**DIVISION CIRCULAR #16  
(N/A)**

**DEPARTMENT OF HUMAN SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES**

**EFFECTIVE DATE:** July 18, 2003

**DATE ISSUED:** July 8, 2003

(Rescinds Division Circular #16, "Admission/Retention/Release - MSU" issued September 30, 1996)

**I. TITLE: Moderate Security Unit (MSU)**

**II. PURPOSE:** To establish a procedure for admission, retention and release of individuals in the Moderate Security Unit.

**III. SCOPE:** This circular applies to all components of the Division.

**IV. POLICIES:**

... Placement of an individual into the MSU shall be made only by order of the Court.

... The services of the MSU are available as a state-wide resource for the Division.

... The availability of a placement into the MSU prior to sentencing shall be determined on a case-by-case basis.

... Individuals who are presently under a court order in another Division funded residential service may not be admitted to the MSU unless the order is amended by the Court.

**V. GENERAL STANDARDS:**

**A. Definitions** - For the purpose of this circular the following terms shall have the meanings defined herein:

"Interdisciplinary Team (IDT)" - refer to Division Circular #35.

"Moderate Security Unit (MSU)" means a specialized, institutional facility authorized and established by the Director of the Division of



Developmental Disabilities (DDD) which is characterized primarily by physical security for the confinement of individuals adjudicated to be dangerous to self, others or property and in need of a highly structured therapeutic program. The MSU shall be used as an alternative to incarceration in a correctional facility.

“Moderate Security Admissions Committee” means a group of professionals who reviews any proposed court-ordered admission to the MSU. The purpose of the review shall be to determine if the person's offending behavior(s) can be addressed within the range of services available at the MSU. Committee members consist of:

- the Director of MSU or his or her designee;
- the MSU Coordinator;
- a representative of the Administrative Practice Office;
- a representative of the Regional Assistant Director from the referring region; and
- a representative of the Chief Executive Officer of the Developmental Center where the MSU is located.

“Moderate Security Unit Coordinator” means the individual designated by the Division Director to be the contact between MSU staff, Central office, the referring region and the court system.

- B. Prior to consideration by the Moderate Security Admissions Committee, any individual recommended for admission to the MSU must be determined by the Division to be eligible for services of the Division in accordance with N.J.A.C. 10:46, and must be a male at least 18 years of age.
- C. Prior to admission to the MSU, the following steps must be taken:
  1. When the Division is advised by a Court of competent jurisdiction that an individual who may be developmental disabled is involved in a criminal proceeding before it, the Division shall determine whether the individual is eligible for Division services on an expedited basis.
  2. If the individual is determined to be eligible for services, the appropriate Regional Administrative Practice Officer shall contact the Director of the MSU to have MSU staff determine whether the individual is appropriate for the MSU.
  3. If the individual is not eligible for services, the regional office shall advise the party making the referral to the MSU in writing.



4. Once the review by the MSU staff is complete and, the Director of the MSU determines that a vacancy exists, he shall request an admission committee review.
  5. Prior to the court entering an order, the MSU Admissions Committee shall review the individual's record to determine if he may benefit from the services at MSU.
    - i.* The committee may determine that an individual may not benefit from the services because, for example, he has a severe psychiatric disorder, low level of functioning or lack of communication skills which would preclude him from participating in individual or group counseling.
    - ii.* If the individual is not appropriate for admission to the MSU, the MSU Coordinator shall advise the Court. Prior to communication with the court, the MSU Coordinator shall notify the referring region of this determination.
  6. If the individual appears to be appropriate for admission to the MSU and a vacancy exists, the MSU Coordinator shall advise the Court of this fact and request an order to require the individual to participate in the program at the MSU. The MSU Coordinator shall offer to assist the Court in drafting the order to the MSU, which establishes an admission date.
  7. If the MSU Admissions Committee questions the appropriateness of the individual for placement in the MSU, the MSU Coordinator may recommend to the Court that the individual be admitted to the MSU for a time-specified evaluation period to evaluate his appropriateness for the program.
- E. Once the MSU Coordinator has advised the Court that the individual can be admitted to the MSU and a vacancy exists the Court may:
1. Order the individual as a condition of probation to participate in the program at the MSU; or
  2. In a case where the Court finds an individual to be incompetent to stand trial, the Court can order the individual committed to the care and custody of the Commissioner in accordance with N.J.S.A. 2C:4-6 et seq.



3. The Court may request that an individual be housed at the MSU until sentencing. However, if the Court does not sentence the individual, he shall be released immediately to the law enforcement officials unless the Court specifies otherwise.
- F. The Director of the MSU shall notify the individual's legal guardian, MSU Coordinator and the referring region of the date of admission.
  - G. While the individual is in the MSU, the referring region shall keep the case open and shall be responsible to attend any IDT meetings.

## VI. **PROCEDURES:**

### A. Program Review

1. For persons ordered to the MSU as a condition of probation, the Director of the MSU shall send a report to the Court of the individual's progress in the program every 6 months or as otherwise directed by the Court.
2. For persons committed to the care and custody of the Commissioner of Human Services, the Director of the MSU shall provide those reports to the Court as often as required by the Court.
3. The Director of MSU shall provide copies of all reports to the MSU Coordinator, Central Office APO and the Regional APO.
4. The Interdisciplinary Team at the MSU may recommend a less restrictive environment for a person placed at the MSU as a condition of probation. In such instances, the Director of the MSU IDT shall notify the MSU Coordinator who will petition the Court to modify its order of placement into the MSU with notice to the attorneys involved. The referring region shall also be notified.

### B. Release

1. An individual may be released from the MSU when the time period of his probation is over or if the commitment to the care and custody of the Commissioner ends.
2. The Director of the MSU shall notify NJ Protection and Advocacy (NJP&A) 30 days prior to the end of a probation period or at the time the commitment ends. The NJP&A may assist the individual in planning where to live after the MSU.



2. At least six months prior to the end of the individual's probationary period, the Director of the MSU may recommend to the MSU Coordinator that the individual be offered the option to stay at MSU on a voluntary basis. Unless the individual is deemed dangerous to self, others or property, he may stay only if there is no one waiting for admission.
3. If the individual wishes to leave, the MSU staff shall advise the individual that he may request continued services from the Division after his release from the MSU.
  - a. If the individual decides to leave the MSU, the Central Office APO, Regional APO and the referring region shall be notified immediately, by the MSU Coordinator.
  - b. If the individual voluntarily remains at the MSU, the MSU Coordinator shall notify the Central Office APO, Regional APO and referring region.
4. If the individual does not wish to remain at the MSU and requests continued services from the Division, the referring region shall offer the most appropriate service available or an alternate service.
  - a. The Interdisciplinary Team shall prepare an IHP to aid in the transition shall be prepared in accordance with N.J.S.A. 30:6D-16.
  - b. The referring region shall continue to be responsible to identify a community placement if one is indicated in the individual's IHP.
5. The MSU Coordinator, the Central Office APO, Regional APO and the referring region, as well as the individual's legal guardian, if any, shall be notified of the individual's intentions as to release.
6. If the individual is his own guardian and does not wish to remain at the MSU but does not desire services, he shall be released once the terms of the court order have been fulfilled. He shall then be discharged from services by the Regional Office where he was initially admitted to services.
7. If the individual is his own guardian but does not desire services and staff at the MSU believe that he would continue to benefit from Division services the individual shall be asked to sign a release against professional advice.
8. If the individual does have a guardian but does not wish to remain in the MSU, the legal guardian shall also be advised of



the individual's wish to leave. The Division will work with the legal guardian concerning the provision of services.

9. If the individual has committed a sex offense and wishes to leave the MSU, he shall be evaluated by a psychiatrist for referral for commitment under the Sexually Violent Predator law.
  - i. If the individual is determined to be likely to reoffend, the Director of the MSU shall contact the Division's Administrative Practice Officer.
  - ii. The Administrative Practice Office shall contact the Medical Director, Division of Mental Health Services (DMHS) to request a review by its Clinical Assessment Review Panel for general civil commitment or commitment under the Sexually Violent Predator Law.
  - iii. The Medical Director of the DMHS shall advise the Administrative Practice Officer whether the individual may be committed.
  - iv. If the individual cannot be committed, he shall be considered a voluntary admission.
9. If the individual is required to register under Megan's Law and wishes to leave the MSU, he must provide an address where he will live to the law enforcement authorities ten (10) days prior to his release. The Department of Human Services Police shall be advised of the date of release in order to notify the County Prosecutor. Staff of the MSU shall be responsible to assist the individual to register with the local police five (5) days prior to his release.

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James W. Smith, Jr. Director  
Division of Developmental Disabilities